

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

C.J. STEWART, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 07-4080-CV-C-NKL
)	
LARRY CRAWFORD, et al.,)	
)	
Defendants.)	

REPORT, RECOMMENDATION AND ORDER

Plaintiffs, inmates confined in a Missouri penal institution, brought this case under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and its corresponding jurisdictional statute, 28 U.S.C. § 1343.¹

On June 3 and again on October 10, 2008, plaintiffs filed motions for preliminary injunctive relief regarding access to courts. In light of plaintiffs' amended complaint and the October 10, 2008 telephone conference, plaintiffs' motions should be denied.

On December 9, 2008, the parties filed their proposed discovery plan. This proposed schedule calls for discovery to close on March 27, 2009. After review, it is

ORDERED that the parties' proposed scheduling order is adopted, discovery closes on March 27, 2009, and dispositive motions are due by April 27, 2009. [106] It is further

ORDERED that in light of the newly adopted scheduling order, plaintiffs' motions seeking extensions of time are moot. [102, 103] It is further

ORDERED that within twenty days, defendants show cause why plaintiffs' August 21, 2008 motion for preliminary injunctive relief should not be granted. It is further

RECOMMENDED that plaintiffs' motions for preliminary injunctive relief for access to courts be denied as moot. [72, 101]

¹This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 19th day of December, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge